

Message Text

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TO AMEMBASSY SANTIAGO IMMEDIATE

S E C R E T STATE 097676

STADIS////////////////////////////////////
EXDIS FOR AMBASSADOR LANDAU FROM PROPPER

E.O. 11652: GDS

TAGS: PGOV, SHUM, CI

SUBJECT:-LETELIER/MOFFITT ASSASSINATION INVESTIGATION:
LEGAL QUESTIONS

1. THE CHILEANS HAVE ADVISED US THAT THE TERMS OF THE BUSTAMANTE CODE - TO WHICH THEY CLAIM BOTH GOVERNMENTS ARE SIGNATORIES - PROHIBITS THE EXTRADITION TO EITHER COUNTRY FOR TRIAL IN A CIVILIAN COURT OF A MILITARY MAN FROM THE OTHER COUNTRY. THEY TOLD US THAT THIS CODE PROHIBITS THE UNITED STATES FROM EXTRADITING AND TRYING ANYONE IN THE CHILEAN MILITARY WHO MIGHT BE CHARGED WITH CONSPIRACY TO MURDER OR MURDER ITSELF. THEY DID INFER THAT THIS AGREEMENT HAS A POSSIBLE LOOPHOLE. THEY INDICATED THEY WILL CHARGE ANY CHILEAN MILITARY PERSONNEL INVOLVED IN THE LETELIER MURDER IN MILITARY COURT.

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2. WE WILL BE QUESTIONING OUR MILITARY EXPERTS ON THE BUSTAMANTE CODE. PLEASE CHECK WITH ALFREDO ETCHBERRY IMMEDIATELY AND ASK HIM THE FOLLOWING QUESTIONS:

A. WHAT IS THE BUSTAMANTE CODE AND WHAT ARE ITS BASIC PROVISIONS ON THIS SUBJECT?

B. ARE THE CHILEANS CORRECT WHEN THEY SAY WE CANNOT ASK
FOR THE EXTRADITION AND CANNOT TRY IN A CIVILIAN COURT IN

THE UNITED STATES CHILEAN MILITARY PERSONNEL WHO MAY BE
INVOLVED IN A MURDER IN THE UNITED STATES BECAUSE OF
PROVISIONS ON THE BUSTAMANTE CODE?

C. IF THE CHILEANS ARE CORRECT OR PARTIALLY CORRECT,
ARE THERE ANY LEGAL LOOPHOLES WHICH WOULD ALLOW US TO ASK
FOR EXTRADITION?

3. AN URGENT REPLY WOULD BE APPRECIATED. CHRISTOPHER

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